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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,229

05/24/2006

Jae-Hyuk Oh

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08/12/2008

BACHMAN & LAPOINTE, P.C. (UTC)

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SUITE 1201

NEW HAVEN, CT 06510-2802

EXAMINER

PHAM, HOA Q

ART UNIT

PAPER NUMBER

2886

MAIL DATE

DELIVERY MODE

08/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/541,229

**Applicant(s)**

OH ET AL.

**Examiner**

Hoa Q. Pham

**Art Unit**

2886

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☐ Claim(s) 1, 2, 11 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 3-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 2/19/08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2/19/08 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. **The IDS' are considered in part. Some of the references (i.e., JP 56-161278 and JP-5-43159) are not considered because it does not include a concise explanation of the relevance. A copy of form PTO-449 is attached.**

### ***Drawings***

2. Drawings filed on 6/29/05 have been accepted.

### ***Specification***

3. Abstract of the PCT application (WO 2004/058617 A1) filed on 6/29/05 is used for the present application.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 11 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenzo (JP-01-294180) (of record).

Regarding claims 1 and 20, Kenzo discloses a position detection device for elevator comprising: a plurality of spaced apart color elements (9) attached to a static structure (not show); means (10) attached to a movable structure (6) for detecting one of the spaced apart color elements; and means (13,14) for determining a position of the movable structure from the detected color element (figures 2, 4, 5 and abstract).

Regarding claims 2 and 11, section "CONSTITUTION" of the abstract teaches that the movable structure is an elevator cage (6).

Regarding claim 21, see figure 5 for the light receiving section (12) for receiving the reflected light from the color element (9).

Regarding claim 22, see figure 4 for three different colors (i.e., R, G, B).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 11, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zaharia (6,435,315) in view of Kenzo.

Regarding claims 1 and 20, Zaharia discloses a position detection device for elevator comprising: a plurality of spaced apart code rail strips (22) attached to a static structure (not show); means (19 and 20) attached to a movable structure (10) for detecting one of the code rail trips; and means (30) for determining a position of the movable structure from the rail trips (figures 1, 2, 4). Zaharia does not explicitly teach that the rail trips are color elements; however, such a feature is known in the art, for example, as taught by Kenzo. Kenzo, from the same field of endeavor, teaches the use of a light receiving section (12) which receives reflected light from the color elements (9) for determining the position of the elevator cage (6) (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the optical detection system of Zaharia by an optical detection system of Kenzo because they are function in the same manner and for the same purpose of detecting the position of an elevator car.

Regarding claims 2 and 11, see column 5, lines 24-29 of Zaharia, for the movable structure is an elevator cage (6).

Regarding claim 21, see figure 5 of Kenzo for the light receiving section (12) for receiving the reflected light from the color element (9).

Regarding claim 22, see figure 4 of Kenzo for three different colors (i.e., R, G, B).

8. Claims 1, 2, 11, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bammert (2001/0025746) (of record) in view of Durand (5,783,784).

Bammert teaches that the camera (51) is attached to the hoistway and the color elements (60) is attached to the movable structure (16, 52). Durand teaches that the transceiver (26) is mounted to the movable elevator car (12) and the reflectors (28, 30) are mounted to the hoistway (14) (figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Bammert by mounting the camera to the elevator car and the color elements to the hoistway as taught by Durand because they are equivalent of function.

***Allowable Subject Matter***

9. Claims 12-19 are allowed.

10. Claims 3-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Following references relate to the position measuring apparatus: Silberhorn et al (6,612,403), Koopman, Jr. et al (5,682,024).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-

2426. The examiner can normally be reached on Monday through Friday, 8:00AM TO 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2287. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoa Q. Pham/  
Primary Examiner, Art Unit 2886

HP  
August 7, 2008